

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GARY TANNER,

Petitioner,

v.

KENNETH QUINN,

Respondent.

Case No. C08-5233RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Notice of Appeal [Dkt. #23]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The filing of an appeal of a denial of a petition for habeas corpus pursuant to 28 U.S.C. §2255 may not proceed absent a certificate of appealability. 28 U.S.C. §2253(b), (c)(1). For the reasons stated in the Report and Recommendation [Dkt. #15], this Court declines to issue a certificate of appealability because petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2).

IT IS SO ORDERED.

Dated this 12th day of February, 2009.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE